

Introduced by Senator Burton

January 22, 2004

An act to amend Sections 1946.1, 1954.52, and 1954.53 of, to amend and repeal Section 827 of, and to repeal Section 1942.3 of, the Civil Code, to amend Section 1161.2 of the Code of Civil Procedure, and to amend Section 7060.4 of, and to amend and repeal Section 12955 of, the Government Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1145, as introduced, Burton. Tenancy.

(1) Until January 1, 2006, existing law requires that if a landlord increases the rent of a month-to-month tenancy in excess of 10% of the amount of the rent charged to a tenant annually, as specified, the landlord shall provide an additional 30-days' notice, for a total of 60 days, prior to the effective date of the increase, except as specified.

This bill would delete the sunset date on the above provision, thereby extending that provision indefinitely.

(2) Existing law establishes certain rebuttable presumptions of habitability in unlawful detainer actions.

This bill would delete those provisions.

(3) Until January 1, 2006, existing law provides for the renewal or termination of a hiring of real property for an unspecified term. Until January 1, 2006, existing law also requires an owner of a residential dwelling to give notice to a tenant of his or her intent to terminate a tenancy to give at least 60 days' notice prior to termination or 30 days' notice prior to termination if the tenant has resided in the dwelling for less than one year or if other enumerated circumstances are satisfied.

This bill would delete those sunset dates, thereby extending the above provisions indefinitely.

(4) Existing law authorizes an owner of residential real property to establish the initial and subsequent rental rates for a dwelling or unit, upon specified circumstances.

This bill would make nonsubstantive, technical changes to those provisions.

(5) In a summary proceeding for the possession of real property, existing law prohibits a court clerk from providing access to the court file, index, register of actions, and other court records if the defendant prevails in the action within 60 days after the complaint is filed.

This bill would require a court clerk to provide access to those records to specified persons, including, but not limited to, a party to the action, or pursuant to an ex parte court order upon a showing of good cause.

(6) Any public entity that has in effect any system of rent control is authorized to subject to specified provisions, accommodations that had been withdrawn from rent or lease and are again offered for rent or lease, as specified.

This bill would make a nonsubstantive, technical change to a related provision.

(7) The Fair Employment and Housing Act prohibits housing discrimination on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability. Until January 1, 2005, the act also prohibits discrimination on the basis of a person's source of income, the failure to account for the aggregate income of coresidents, or the failure to exclude a government rent subsidy from that portion of the rent to be paid by the tenant in assessing his or her eligibility for rental housing.

This bill would delete the sunset date on the above provision, thereby extending that provision indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 827 of the Civil Code, as amended by
2 Section 33 of Chapter 664 of the Statutes of 2002, is amended to
3 read:

4 827. (a) Except as provided in subdivision (b), in all leases of
5 lands or tenements, or of any interest therein, from week to week,
6 month to month, or other period less than a month, the landlord
7 may, upon giving notice in writing to the tenant, in the manner



prescribed by Section 1162 of the Code of Civil Procedure, change the terms of the lease to take effect, as to tenancies for less than one month, upon the expiration of a period at least as long as the term of the hiring itself, and, as to tenancies from month to month, to take effect at the expiration of not less than 30 days, but if that change takes effect within a rental term, the rent accruing from the first day of the term to the date of that change shall be computed at the rental rate obtained immediately prior to that change; provided, however, that it shall be competent for the parties to provide by an agreement in writing that a notice changing the terms thereof may be given at any time not less than seven days before the expiration of a term, to be effective upon the expiration of the term.

The notice, when served upon the tenant, shall in and of itself operate and be effectual to create and establish, as a part of the lease, the terms, rents, and conditions specified in the notice, if the tenant shall continue to hold the premises after the notice takes effect.

(b) (1) In all leases of a residential dwelling, or of any interest therein, from week to week, month to month, or other period less than a month, the landlord may increase the rent provided in the lease or rental agreement, upon giving written notice to the tenant, as follows, by either of the following procedures:

(A) By delivering a copy to the tenant personally.

(B) By serving a copy by mail under the procedures prescribed in Section 1013 of the Code of Civil Procedure.

(2) If the proposed rent increase for that tenant is 10 percent or less of the rental amount charged to that tenant at any time during the 12 months prior to the effective date of the increase, either in and of itself or when combined with any other rent increases for the 12 months prior to the effective date of the increase, the notice shall be delivered at least 30 days prior to the effective date of the increase, and subject to Section 1013 of the Code of Civil Procedure if served by mail.

(3) For an increase in rent greater than the amount described in paragraph (2), the minimum notice period required pursuant to that paragraph shall be increased by an additional 30 days, and subject to Section 1013 of the Code of Civil Procedure if served by mail. This paragraph ~~shall~~ *does* not apply to an increase in rent

1 caused by a change in a tenant's income or family composition as
2 determined by a recertification required by statute or regulation.

3 (c) If a state or federal statute, state or federal regulation,
4 recorded regulatory agreement, or contract provides for a longer
5 period of notice regarding a rent increase than that provided in
6 subdivision (a) or (b), the personal service or mailing of the notice
7 shall be in accordance with the longer period.

8 ~~(d) This section shall be operative only until January 1, 2006,~~
9 ~~and as of that date is repealed, unless a later enacted statute, which~~
10 ~~is enacted on or before January 1, 2006, deletes or extends that~~
11 ~~date.~~

12 SEC. 2. Section 827 of the Civil Code, as amended by Section
13 34 of Chapter 664 of the Statutes of 2002, is repealed.

14 ~~827.—(a) In all leases of lands or tenements, or of any interest~~
15 ~~therein, from week to week, month to month, or other period less~~
16 ~~than a month, the landlord may, upon giving notice in writing to~~
17 ~~the tenant, in the manner prescribed by Section 1162 of the Code~~
18 ~~of Civil Procedure, change the terms of the lease to take effect, as~~
19 ~~to tenancies for less than one month, upon the expiration of a~~
20 ~~period at least as long as the term of the hiring itself, and, as to~~
21 ~~tenancies from month to month, to take effect at the expiration of~~
22 ~~not less than 30 days, but if that change takes effect within a rental~~
23 ~~term, the rent accruing from the first day of the term to the date of~~
24 ~~that change shall be computed at the rental rate obtained~~
25 ~~immediately prior to that change; provided, however, that it shall~~
26 ~~be competent for the parties to provide by an agreement in writing~~
27 ~~that a notice changing the terms thereof may be given at any time~~
28 ~~not less than seven days before the expiration of a term, to be~~
29 ~~effective upon the expiration of the term.~~

30 The notice, when served upon the tenant, shall in and of itself
31 operate and be effectual to create and establish, as a part of the
32 lease, the terms, rents, and conditions specified in the notice, if the
33 tenant shall continue to hold the premises after the notice takes
34 effect.

35 ~~(b) This section shall become operative on January 1, 2006.~~

36 SEC. 3. Section 1942.3 of the Civil Code is repealed.

37 ~~1942.3.—(a) In any unlawful detainer action by the landlord to~~
38 ~~recover possession from a tenant, a rebuttable presumption~~
39 ~~affecting the burden of producing evidence that the landlord has~~

1 ~~breached the habitability requirements in Section 1941 is created~~
2 ~~if all of the following conditions exist:~~

3 ~~(1) The dwelling substantially lacks any of the affirmative~~
4 ~~standard characteristics listed in Section 1941.1.~~

5 ~~(2) A public officer or employee who is responsible for the~~
6 ~~enforcement of any housing law has notified the landlord, or an~~
7 ~~agent of the landlord, in a written notice issued after inspection of~~
8 ~~the premises which informs the landlord of his or her obligations~~
9 ~~to abate the nuisance or repair the substandard conditions.~~

10 ~~(3) The conditions have existed and have not been abated 60~~
11 ~~days beyond the date of issuance of the notice specified in~~
12 ~~paragraph (2) and the delay is without good cause.~~

13 ~~(4) The conditions were not caused by an act or omission of the~~
14 ~~tenant or lessee in violation of Section 1929 or 1941.2.~~

15 ~~(b) The presumption specified in subdivision (a) does not arise~~
16 ~~unless all of the conditions set forth therein are proven, but failure~~
17 ~~to so establish the presumption shall not otherwise affect the right~~
18 ~~of the tenant to raise and pursue any defense based on the~~
19 ~~landlord's breach of the implied warranty of habitability.~~

20 ~~(c) The presumption provided in this section shall apply only~~
21 ~~to rental agreements or leases entered into or renewed on or after~~
22 ~~January 1, 1986.~~

23 SEC. 4. Section 1946.1 of the Civil Code is amended to read:

24 1946.1. (a) Notwithstanding Section 1946, a hiring of
25 residential real property for a term not specified by the parties, is
26 deemed to be renewed as stated in Section 1945, at the end of the
27 term implied by law unless one of the parties gives written notice
28 to the other of his or her intention to terminate the tenancy, as
29 provided in this section.

30 (b) An owner of a residential dwelling giving notice pursuant
31 to this section shall give notice at least 60 days prior to the
32 proposed date of termination. A tenant giving notice pursuant to
33 this section shall give notice for a period at least as long as the term
34 of the periodic tenancy prior to the proposed date of termination.

35 (c) Notwithstanding subdivision (b), an owner of a residential
36 dwelling giving notice pursuant to this section shall give notice at
37 least 30 days prior to the proposed date of termination if the tenant
38 has resided in the dwelling for less than one year.

39 (d) Notwithstanding subdivision (b), an owner of a residential
40 dwelling giving notice pursuant to this section shall give notice at

1 least 30 days prior to the proposed date of termination if all of the
2 following apply:

3 (1) The dwelling or unit is alienable separate from the title to
4 any other dwelling unit.

5 (2) The owner has contracted to sell the dwelling or unit to a
6 bona fide purchaser for value, and has established an escrow with
7 a licensed escrow agent, as defined in Sections 17004 and 17200
8 of the Financial Code, or a licensed real estate broker, as defined
9 in Section 10131 of the Business and Professions Code.

10 (3) The purchaser is a natural person or persons.

11 (4) The notice is given no more than 120 days after the escrow
12 has been established.

13 (5) Notice was not previously given to the tenant pursuant to
14 this section.

15 (6) The purchaser in good faith intends to reside in the property
16 for at least one full year after the termination of the tenancy.

17 (e) The notices required by this section shall be given in the
18 manner prescribed in Section 1162 of the Code of Civil Procedure
19 or by sending a copy by certified or registered mail.

20 (f) This section may not be construed to affect the authority of
21 a public entity that otherwise exists to regulate or monitor the basis
22 for eviction.

23 ~~(g) This section shall remain in effect only until January 1,~~
24 ~~2006, and as of that date is repealed, unless a later enacted statute,~~
25 ~~that is enacted before January 1, 2006, deletes or extends that date.~~

26 SEC. 5. Section 1954.52 of the Civil Code is amended to read:

27 1954.52. (a) Notwithstanding any other provision of law, an
28 owner of residential real property may establish the initial and all
29 subsequent rental rates for a dwelling or a unit about which any of
30 the following is true:

31 (1) It has a certificate of occupancy issued after February 1,
32 1995.

33 (2) It has already been exempt from the residential rent control
34 ordinance of a public entity on or before February 1, 1995,
35 pursuant to a local exemption for newly constructed units.

36 (3) (A) It is alienable separate from the title to any other
37 dwelling unit or is a subdivided interest in a subdivision, as
38 specified in subdivision (b), (d), or (f) of Section 11004.5 of the
39 Business and Professions Code.

40 (B) This paragraph does not apply to either of the following:

1 (i) A dwelling or unit where the preceding tenancy has been
2 terminated by the owner by notice pursuant to Section 1946.1
3 or has been terminated upon a change in the terms of the tenancy
4 noticed pursuant to Section 827.

5 (ii) A condominium dwelling or unit that has not been sold
6 separately by the subdivider to a bona fide purchaser for value. The
7 initial rent amount of ~~such a~~ the unit for purposes of this chapter
8 shall be the lawful rent in effect on May 7, 2001, unless the rent
9 amount is governed by a different provision of this chapter.
10 However, if a condominium dwelling or unit meets the criteria of
11 paragraph (1) or (2) of subdivision (a), or if all the dwellings or
12 units except one have been sold separately by the subdivider to
13 bona fide purchasers for value, and the subdivider has occupied
14 that remaining unsold condominium dwelling or unit as his or her
15 principal residence for at least one year after the subdivision
16 occurred, then subparagraph (A) of paragraph (3) shall apply to
17 that unsold condominium dwelling or unit.

18 (C) Where a dwelling or unit in which the initial or subsequent
19 rental rates are controlled by an ordinance or charter provision in
20 effect on January 1, 1995, the following shall apply:

21 (i) An owner of real property as described in this paragraph
22 may establish the initial and all subsequent rental rates for all
23 existing and new tenancies in effect on or after January 1, 1999,
24 if the tenancy in effect on or after January 1, 1999, was created
25 between January 1, 1996, and December 31, 1998.

26 (ii) Commencing on January 1, 1999, an owner of real property
27 as described in this paragraph may establish the initial and all
28 subsequent rental rates for all new tenancies if the previous
29 tenancy was in effect on December 31, 1995.

30 (iii) The initial rental rate for a dwelling or unit as described in
31 this paragraph in which the initial rental rate is controlled by an
32 ordinance or charter provision in effect on January 1, 1995, may
33 not, until January 1, 1999, exceed the amount calculated pursuant
34 to subdivision (c) of Section 1954.53. An owner of residential real
35 property as described in this paragraph may, until January 1, 1999,
36 establish the initial rental rate for a dwelling or unit only where the
37 tenant has voluntarily vacated, abandoned, or been evicted
38 pursuant to paragraph (2) of Section 1161 of the Code of Civil
39 Procedure.

(b) Subdivision (a) does not apply where the owner has otherwise agreed by contract with a public entity in consideration for a direct financial contribution or any other forms of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(c) Nothing in this section shall be construed to affect the authority of a public entity that may otherwise exist to regulate or monitor the basis for eviction.

(d) This section does not apply to any dwelling or unit that contains serious health, safety, fire, or building code violations, excluding those caused by disasters, for which a citation has been issued by the appropriate governmental agency and which has remained unabated for six months or longer preceding the vacancy.

SEC. 6. Section 1954.53 of the Civil Code is amended to read: 1954.53. (a) Notwithstanding any other provision of law, an owner of residential real property may establish the initial rental rate for a dwelling or unit, except where any of the following applies:

(1) The previous tenancy has been terminated by the owner by notice pursuant to Section ~~1946~~ 1946.1 or has been terminated upon a change in the terms of the tenancy noticed pursuant to Section 827, except a change permitted by law in the amount of rent or fees. For the purpose of this paragraph, the owner's termination or nonrenewal of a contract or recorded agreement with a governmental agency that provides for a rent limitation to a qualified tenant, shall be construed as a change in the terms of the tenancy pursuant to Section 827.

(A) In a jurisdiction that controls by ordinance or charter provision the rental rate for a dwelling or unit, an owner who terminates or fails to renew a contract or recorded agreement with a governmental agency that provides for a rent limitation to a qualified tenant ~~shall may not be eligible to~~ set an initial rent for three years following the date of the termination or nonrenewal of the contract or agreement. For any new tenancy established during the three-year period, the rental rate for a new tenancy established in that vacated dwelling or unit shall be at the same rate as the rent under the terminated or nonrenewed contract or recorded agreement with a governmental agency that provided for a rent limitation to a qualified tenant, plus any increases authorized after

1 the termination or cancellation of the contract or recorded
2 agreement.

3 (B) Subparagraph (A) ~~shall~~ *does* not apply to any new tenancy
4 of 12 months or more duration established after January 1, 2000,
5 pursuant to the owner's contract or recorded agreement with a
6 governmental agency that provides for a rent limitation to a
7 qualified tenant, unless the prior vacancy in that dwelling or unit
8 was pursuant to a nonrenewed or canceled contract or recorded
9 agreement with a governmental agency that provides for a rent
10 limitation to a qualified tenant as set forth in that subparagraph.

11 (2) The owner has otherwise agreed by contract with a public
12 entity in consideration for a direct financial contribution or any
13 other forms of assistance specified in Chapter 4.3 (commencing
14 with Section 65915) of Division 1 of Title 7 of the Government
15 Code.

16 (3) The initial rental rate for a dwelling or unit whose initial
17 rental rate is controlled by an ordinance or charter provision in
18 effect on January 1, 1995, ~~shall~~ *may* not until January 1, 1999,
19 exceed the amount calculated pursuant to subdivision (c).

20 (b) Subdivision (a) applies to, and includes, renewal of the
21 initial hiring by the same tenant, lessee, authorized subtenant, or
22 authorized sublessee for the entire period of his or her occupancy
23 at the rental rate established for the initial hiring.

24 (c) The rental rate of a dwelling or unit whose initial rental rate
25 is controlled by ordinance or charter provision in effect on January
26 1, 1995, shall, until January 1, 1999, be established in accordance
27 with this subdivision. Where the previous tenant has voluntarily
28 vacated, abandoned, or been evicted pursuant to paragraph (2) of
29 Section 1161 of Code of Civil Procedure, an owner of residential
30 real property may, no more than twice, establish the initial rental
31 rate for a dwelling or unit in an amount that is no greater than 15
32 percent more than the rental rate in effect for the immediately
33 preceding tenancy or in an amount that is 70 percent of the
34 prevailing market rent for comparable units, whichever amount is
35 greater.

36 The initial rental rate established pursuant to this subdivision
37 ~~shall may not be deemed to~~ substitute for or replace increases in
38 rental rates otherwise authorized pursuant to law.

39 (d) (1) Nothing in this section or any other provision of law
40 shall be construed to preclude express establishment in a lease or

1 rental agreement of the rental rates to be applicable in the event the
2 rental unit subject thereto is sublet, ~~and nothing~~. *Nothing* in this
3 section shall be construed to impair the obligations of contracts
4 entered into prior to January 1, 1996.

5 (2) ~~Where~~ *If* the original occupant or occupants who took
6 possession of the dwelling or unit pursuant to the rental agreement
7 with the owner no longer permanently reside there, an owner may
8 increase the rent by any amount allowed by this section to a lawful
9 sublessee or assignee who did not reside at the dwelling or unit
10 prior to January 1, 1996.

11 (3) This subdivision ~~shall~~ *does* not apply to partial changes in
12 occupancy of a dwelling or unit where one or more of the
13 occupants of the premises, pursuant to the agreement with the
14 owner provided for above, remains an occupant in lawful
15 possession of the dwelling or unit, or where a lawful sublessee or
16 assignee who resided at the dwelling or unit prior to January 1,
17 1996, remains in possession of the dwelling or unit. Nothing
18 contained in this section shall be construed to enlarge or diminish
19 an owner's right to withhold consent to a sublease or assignment.

20 (4) Acceptance of rent by the owner ~~shall~~ *does* not operate as
21 a waiver or otherwise prevent enforcement of a covenant
22 prohibiting sublease or assignment or as a waiver of an owner's
23 rights to establish the initial rental rate, unless the owner has
24 received written notice from the tenant that is party to the
25 agreement and thereafter accepted rent.

26 (e) Nothing in this section shall be construed to affect any
27 authority of a public entity that may otherwise exist to regulate or
28 monitor the grounds for eviction.

29 (f) This section ~~shall~~ *does* not apply to any dwelling or unit if
30 all the following conditions are met:

31 (1) The dwelling or unit has been cited in an inspection report
32 by the appropriate governmental agency as containing serious
33 health, safety, fire, or building code violations, as defined by
34 Section 17920.3 of the Health and Safety Code, excluding any
35 violation caused by a disaster.

36 (2) The citation was issued at least 60 days prior to the date of
37 the vacancy.

38 (3) The cited violation had not been abated when the prior
39 tenant vacated and had remained unabated for 60 days or for a
40 longer period of time. However, the 60-day time period may be

1 extended by the appropriate governmental agency that issued the
2 citation.

3 SEC. 7. Section 1161.2 of the Code of Civil Procedure is
4 amended to read:

5 1161.2. (a) Except as provided in subdivision (e) or (f), in
6 any case filed under this chapter as a limited civil case, the court
7 clerk may not allow access to the court file, index, register of
8 actions, or other court records until 60 days after the date the
9 complaint is filed, except pursuant to an ex parte court order upon
10 a showing of good cause therefor by any person including, but not
11 limited to, a newspaper publisher. However, the clerk of the court
12 shall allow access to the court file to a party in the action, an
13 attorney of a party in the action, or any other person who (1)
14 provides to the clerk the names of at least one plaintiff, one
15 defendant, and the address, including the apartment, unit, or space
16 number, if applicable, of the subject premises, or (2) provides to
17 the clerk the name of one of the parties or the case number and can
18 establish through proper identification that he or she resides at the
19 subject premises.

20 (b) For purposes of this section, “good cause” includes, but is
21 not limited to, the gathering of newsworthy facts by a person
22 described in Section 1070 of the Evidence Code. It is the intent of
23 the Legislature that a simple procedure be established to request
24 the ex parte order described in ~~subdivision~~ *subdivisions* (a) and
25 (e).

26 (c) Except as provided in subdivision (f), upon the filing of any
27 case so restricted, the court clerk shall mail notice to each
28 defendant named in the action. The notice shall be mailed to the
29 address provided in the complaint. The notice shall contain a
30 statement that an unlawful detainer complaint (eviction action) has
31 been filed naming that party as a defendant, and that access to the
32 court file will be delayed for 60 days except to a party, an attorney
33 for one of the parties, or any other person who (1) provides to the
34 clerk the names of at least one plaintiff and one defendant in the
35 action and provides to the clerk the address, including any
36 applicable apartment, unit, or space number, of the subject
37 premises, or (2) provides to the clerk the name of one of the parties
38 in the action or the case number and can establish through proper
39 identification that he or she lives at the subject premises. The
40 notice shall also contain a statement that access to the court index,

1 register of actions, or other records is not permitted until 60 days
2 after the complaint is filed, except pursuant to an ex parte order
3 upon a showing of good cause therefor. The notice shall contain
4 on its face the name and telephone number of the county bar
5 association and the name and telephone number of an office
6 funded by the federal Legal Services Corporation that provides
7 legal services to low-income persons in the county in which the
8 action is filed. The notice shall state that these numbers may be
9 called for legal advice regarding the case. The notice shall be
10 issued between 24 and 48 hours of the filing of the complaint,
11 excluding weekends and holidays. One copy of the notice shall be
12 addressed to “all occupants” and mailed separately to the subject
13 premises. The notice shall not constitute service of the summons
14 and complaint.

15 (d) Notwithstanding any other provision of law, the court shall
16 charge an additional fee of four dollars (\$4) for filing a first
17 appearance by the plaintiff. This fee shall be included as part of the
18 total filing fee for actions filed under this chapter.

19 (e) If a defendant prevails in the action within 60 days after the
20 complaint is filed, the court clerk may not allow access at any time
21 to any of the documents specified in subdivision (a), *except*
22 *pursuant to an ex parte court order upon a showing of good cause*
23 *therefor by any person, including, but not limited to, a newspaper*
24 *publisher. However, the clerk of the court shall allow access to the*
25 *court file to a party in the action, an attorney of a party in the*
26 *action, or any other person who (1) provides to the clerk the names*
27 *of at least one plaintiff, one defendant, and the address, including*
28 *the apartment, unit, or space number, if applicable, of the subject*
29 *premises, or (2) provides to the clerk the name of one of the parties*
30 *or the case number and can establish through proper identification*
31 *that he or she resides at the subject premises.*

32 (f) This section does not apply to a case that seeks to terminate
33 a mobilehome park tenancy if the statement of the character of the
34 proceeding in the caption of the complaint clearly indicates that the
35 complaint seeks termination of a mobilehome park tenancy.

36 SEC. 8. Section 7060.4 of the Government Code is amended
37 to read:

38 7060.4. (a) Any public entity which, by a valid exercise of its
39 police power, has in effect any control or system of control on the
40 price at which accommodations are offered for rent or lease, may

require by statute or ordinance, or by regulation as specified in Section 7060.5, that the owner notify the entity of an intention to withdraw those accommodations from rent or lease and may require that the notice contain statements, under penalty of perjury, providing information on the number of accommodations, the address or location of those accommodations, the name or names of the tenants or lessees of the accommodations, and the rent applicable to each residential rental unit.

Information respecting the name or names of the tenants, the rent applicable to any residential rental unit, or the total number of accommodations, is confidential information and for purposes of this chapter shall be treated as confidential information by any public entity for purposes of the Information Practices Act of 1977, ~~as contained in Chapter~~ (*Chapter* 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code ~~Code~~). A public entity shall, to the extent required by the preceding sentence, be considered an “agency,” as defined by subdivision (d) of Section 1798.3 of the Civil Code.

(b) The statute, ordinance, or regulation of the public entity may require that the owner record with the county recorder a memorandum summarizing the provisions, other than the confidential provisions, of the notice in a form which shall be prescribed by the statute, ordinance, or regulation, and require a certification with that notice that actions have been initiated as required by law to terminate any existing tenancies. In that situation, the date on which the accommodations are withdrawn from rent or lease for purposes of this chapter is 120 days from the delivery in person or by first-class mail of that notice to the public entity. However, if the tenant or lessee is at least 62 years of age or disabled, and has lived in his or her accommodations for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw pursuant to subdivision (a), then the date of withdrawal of the accommodations of that tenant or lessee shall be extended to one year after the date of delivery of that notice to the public entity, provided that the tenant or lessee gives written notice of his or her entitlement to an extension to the owner within 60 days of the date of delivery to the public entity of the notice of intent to withdraw. In that situation, the following provisions shall apply:



(1) The tenancy shall be continued on the same terms and conditions as existed on the date of delivery to the public entity of the notice of intent to withdraw, subject to any adjustments otherwise available under the system of control.

(2) No party shall be relieved of the duty to perform any obligation under the lease or rental agreement.

(3) The owner may elect to extend the date of withdrawal on any other accommodations up to one year after date of delivery to the public entity of the notice of intent to withdraw, subject to paragraphs (1) and (2).

(4) Within 30 days of the notification by the tenant or lessee to the owner of his or her entitlement to an extension, the owner shall give written notice to the public entity of the claim that the tenant or lessee is entitled to stay in their accommodations for one year after date of delivery to the public entity of the notice of intent to withdraw.

(5) Within 90 days of date of delivery to the public entity of the notice of intent to withdraw, the owner shall give written notice to the public entity and the affected tenant or lessee of the owner's election to extend the date of withdrawal and the new date of withdrawal under paragraph (3).

(c) The statute, ordinance, or regulation of the public entity adopted pursuant to subdivision (a) may also require the owner to notify any tenant or lessee displaced pursuant to this chapter of the following:

(1) That the public entity has been notified pursuant to subdivision (a).

(2) That the notice to the public entity specified the name and the amount of rent paid by the tenant or lessee as an occupant of the accommodations.

(3) The amount of rent the owner specified in the notice to the public entity.

(4) Notice to the tenant or lessee of his or her rights under paragraph ~~(4)~~ (3) of subdivision ~~(a)~~ (b) of Section 7060.2.

(5) Notice to the tenant or lessee of the following:

(A) If the tenant or lessee is at least 62 years of age or disabled, and has lived in his or her accommodations for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw, then tenancy shall be extended to one year after date of delivery to the public entity of the notice of intent to

1 withdraw, provided that the tenant or lessee gives written notice of
2 his or her entitlement to the owner within 60 days of date of
3 delivery to the public entity of the notice of intent to withdraw.

4 (B) The extended tenancy shall be continued on the same terms
5 and conditions as existed on date of delivery to the public entity
6 of the notice of intent to withdraw, subject to any adjustments
7 otherwise available under the system of control.

8 (C) No party shall be relieved of the duty to perform any
9 obligation under the lease or rental agreement during the extended
10 tenancy.

11 (d) The statute, ordinance, or regulation of the public entity
12 adopted pursuant to subdivision (a) may also require the owner to
13 notify the public entity in writing of an intention to again offer the
14 accommodations for rent or lease.

15 SEC. 9. Section 12955 of the Government Code, as amended
16 by Section 9.7 of Chapter 592 of the Statutes of 1999, is amended
17 to read:

18 12955. It shall be unlawful:

19 (a) For the owner of any housing accommodation to
20 discriminate against or harass any person because of the race,
21 color, religion, sex, sexual orientation, marital status, national
22 origin, ancestry, familial status, source of income, or disability of
23 that person.

24 (b) For the owner of any housing accommodation to make or
25 to cause to be made any written or oral inquiry concerning the race,
26 color, religion, sex, sexual orientation, marital status, national
27 origin, ancestry, familial status, or disability of any person seeking
28 to purchase, rent or lease any housing accommodation.

29 (c) For any person to make, print, or publish, or cause to be
30 made, printed, or published any notice, statement, or
31 advertisement, with respect to the sale or rental of a housing
32 accommodation that indicates any preference, limitation, or
33 discrimination based on race, color, religion, sex, sexual
34 orientation, marital status, national origin, ancestry, familial
35 status, source of income, or disability or an intention to make any
36 such preference, limitation, or discrimination.

37 (d) For any person subject to the provisions of Section 51 of the
38 Civil Code, as that section applies to housing accommodations, to
39 discriminate against any person on the basis of sex, sexual
40 orientation, color, race, religion, ancestry, national origin, familial

1 status, marital status, disability, source of income, or on any other
2 basis prohibited by that section.

3 (e) For any person, bank, mortgage company or other financial
4 institution that provides financial assistance for the purchase,
5 organization, or construction of any housing accommodation to
6 discriminate against any person or group of persons because of the
7 race, color, religion, sex, sexual orientation, marital status,
8 national origin, ancestry, familial status, source of income, or
9 disability in the terms, conditions, or privileges relating to the
10 obtaining or use of that financial assistance.

11 (f) For any owner of housing accommodations to harass, evict,
12 or otherwise discriminate against any person in the sale or rental
13 of housing accommodations when the owner's dominant purpose
14 is retaliation against a person who has opposed practices unlawful
15 under this section, informed law enforcement agencies of practices
16 believed unlawful under this section, has testified or assisted in any
17 proceeding under this part, or has aided or encouraged a person to
18 exercise or enjoy the rights secured by this part. Nothing herein is
19 intended to cause or permit the delay of an unlawful detainer
20 action.

21 (g) For any person to aid, abet, incite, compel, or coerce the
22 doing of any of the acts or practices declared unlawful in this
23 section, or to attempt to do so.

24 (h) For any person, for profit, to induce any person to sell or
25 rent any dwelling by representations regarding the entry or
26 prospective entry into the neighborhood of a person or persons of
27 a particular race, color, religion, sex, sexual orientation, marital
28 status, ancestry, disability, source of income, familial status, or
29 national origin.

30 (i) For any person or other organization or entity whose
31 business involves real estate-related transactions to discriminate
32 against any person in making available a transaction, or in the
33 terms and conditions of a transaction, because of race, color,
34 religion, sex, sexual orientation, marital status, national origin,
35 ancestry, source of income, familial status, or disability.

36 (j) To deny a person access to, or membership or participation
37 in, a multiple listing service, real estate brokerage organization, or
38 other service because of race, color, religion, sex, sexual
39 orientation, marital status, ancestry, disability, familial status,
40 source of income, or national origin.



1 (k) To otherwise make unavailable or deny a dwelling based on
2 discrimination because of race, color, religion, sex, sexual
3 orientation, familial status, source of income, disability, or
4 national origin.

5 (l) To discriminate through public or private land use practices,
6 decisions, and authorizations because of race, color, religion, sex,
7 sexual orientation, familial status, marital status, disability,
8 national origin, source of income, or ancestry. Discrimination
9 includes, but is not limited to, restrictive covenants, zoning laws,
10 denials of use permits, and other actions authorized under the
11 Planning and Zoning Law (Title 7 (commencing with Section
12 65000)), that make housing opportunities unavailable.

13 Discrimination under this subdivision also includes the
14 existence of a restrictive covenant, regardless of whether
15 accompanied by a statement that the restrictive covenant is
16 repealed or void. This paragraph shall become operative on
17 January 1, 2001.

18 (m) As used in this section, “race, color, religion, sex, sexual
19 orientation, marital status, national origin, ancestry, familial
20 status, source of income, or disability” includes a perception that
21 the person has any of those characteristics or that the person is
22 associated with a person who has, or is perceived to have, any of
23 those characteristics.

24 (n) To use a financial or income standard in the rental of
25 housing that fails to account for the aggregate income of persons
26 residing together or proposing to reside together on the same basis
27 as the aggregate income of married persons residing together or
28 proposing to reside together.

29 (o) In instances where there is a government rent subsidy, to use
30 a financial or income standard in assessing eligibility for the rental
31 of housing that is not based on the portion of the rent to be paid by
32 the tenant.

33 (p) (1) For the purposes of this section, “source of income”
34 means lawful, verifiable income paid directly to a tenant or paid
35 to a representative of a tenant.

36 (2) For the purposes of this section, it shall not constitute
37 discrimination based on source of income to make a written or oral
38 inquiry concerning the level or source of income.

~~(q) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.~~

SEC. 10. Section 12955 of the Government Code, as added by Section 9.83 of Chapter 592 of the Statutes of 1999, is repealed.

~~12955. — It shall be unlawful:~~

~~(a) For the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, or disability of that person.~~

~~(b) For the owner of any housing accommodation to make or to cause to be made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, or disability of any person seeking to purchase, rent or lease any housing accommodation.~~

~~(c) For any person to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a housing accommodation that indicates any preference, limitation, or discrimination based on race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, or disability or an intention to make any such preference, limitation, or discrimination.~~

~~(d) For any person subject to the provisions of Section 51 of the Civil Code, as that section applies to housing accommodations, to discriminate against any person on the basis of sex, sexual orientation, color, race, religion, ancestry, national origin, familial status, marital status, disability, or on any other basis prohibited by that section.~~

~~(e) For any person, bank, mortgage company or other financial institution that provides financial assistance for the purchase, organization, or construction of any housing accommodation to discriminate against any person or group of persons because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, or disability in the terms, conditions, or privileges relating to the obtaining or use of that financial assistance.~~

~~(f) For any owner of housing accommodations to harass, evict, or otherwise discriminate against any person in the sale or rental of housing accommodations when the owner's dominant purpose~~

1 is retaliation against a person who has opposed practices unlawful
2 under this section, informed law enforcement agencies of practices
3 believed unlawful under this section, has testified or assisted in any
4 proceeding under this part, or has aided or encouraged a person to
5 exercise or enjoy the rights secured by this part. Nothing herein is
6 intended to cause or permit the delay of an unlawful detainer
7 action.

8 (g) For any person to aid, abet, incite, compel, or coerce the
9 doing of any of the acts or practices declared unlawful in this
10 section, or to attempt to do so.

11 (h) For any person, for profit, to induce any person to sell or
12 rent any dwelling by representations regarding the entry or
13 prospective entry into the neighborhood of a person or persons of
14 a particular race, color, religion, sex, sexual orientation, marital
15 status, ancestry, disability, familial status, or national origin.

16 (i) For any person or other organization or entity whose
17 business involves real estate-related transactions to discriminate
18 against any person in making available a transaction, or in the
19 terms and conditions of a transaction, because of race, color,
20 religion, sex, sexual orientation, marital status, national origin,
21 ancestry, familial status, or disability.

22 (j) To deny a person access to, or membership or participation
23 in, a multiple listing service, real estate brokerage organization, or
24 other service because of race, color, religion, sex, sexual
25 orientation, marital status, ancestry, disability, familial status, or
26 national origin.

27 (k) To otherwise make unavailable or deny a dwelling based on
28 discrimination because of race, color, religion, sex, sexual
29 orientation, familial status, disability, or national origin.

30 (l) To discriminate through public or private land use practices,
31 decisions, and authorizations because of race, color, religion, sex,
32 sexual orientation, familial status, marital status, disability,
33 national origin, or ancestry. Discrimination includes, but is not
34 limited to, restrictive covenants, zoning laws, denials of use
35 permits, and other actions authorized under the Planning and
36 Zoning Law (Title 7 (commencing with Section 65000)), that
37 make housing opportunities unavailable.

38 Discrimination under this subdivision also includes the
39 existence of a restrictive covenant, regardless of whether
40 accompanied by a statement that the restrictive covenant is

1 ~~repealed or void. This paragraph shall become operative on~~
2 ~~January 1, 2001.~~

3 ~~(m) As used in this section, “race, color, religion, sex, sexual~~
4 ~~orientation, marital status, national origin, ancestry, familial~~
5 ~~status, or disability” includes a perception that the person has any~~
6 ~~of those characteristics or that the person is associated with a~~
7 ~~person who has, or is perceived to have, any of those~~
8 ~~characteristics.~~

9 ~~(n) This section shall become operative on January 1, 2005.~~

